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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,578	02/14/2002	Wilhelm Aichele	HOE-678	1576
20028	7590	01/31/2006		
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 01/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,578

Applicant(s)

AICHELE, WILHELM

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,39-53 and 56-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36,39-53 and 56-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. On page 15, last paragraph, applicant states that supporting rings 100, 102 are "Schmitz rings", however, there is no reference in the IDS to any patents or publications to Schmitz.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 49, 50, 51, 66, 67 and 68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On page 15, last paragraph, there is no description of "Schmitz rings". The applicant must define "Schmitz rings". Has the applicant included an invention that he did not invent?

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 36, 39-53 and 56-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veas (6,244,148) in view of Steinbock (4,622,730). Veas discloses machine frame 10; anvil roller 70; cutting tool 80; axis of rotation 84; cutting structure 92; outer sleeve 82; anvil surface 76; supporting rings 100, 102. Veas does not disclose an inner section, tension along an inner section, an end face, the inner section having bearing ends extending beyond the outer sleeve and does not teach bearings carried on the bearing ends beyond the outer sleeve. However, in figure 4, Steinbock teaches inner section 48, 52, 55; end face 61 juxtaposed elements 49 and 59; tension along an inner section in column 2, lines 25-35; one bearing end 48; the other bearing end is the portion of the inner section 52 that is coaxial with element 49; bearings housed within elements 50 and 51; bearings are carried on the bearing ends as seen in figure 4 because they are coaxial. It would have been obvious to provide an inner section, tension along an inner section, an end face, the inner section having bearing ends extending beyond the outer sleeve and bearings carried on the bearing ends beyond the outer sleeve in Veas as taught by Steinbock in order to stress arbors against opposite sides of a roller. Further note in Steinbock pressure force is applied parallel to the axis of rotation in column 3, lines 7-13; inner core 52; form-locking connections 57; connection direction is parallel to axis of rotation in figure 4; plurality of form-locking connections around axis in figure 2B and 3A; contact surface is juxtaposed elements 57 and 56; screw element is the threaded portion of element 57; contact

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element 56; dimensions and number of form-locking elements in figures 1B, 2B, and 3B; device 57; cutting edge at the tip of element 92; reduction of a maximum oscillation amplitude is an expected result due to the tension of inner core.

Regarding claims 49-51 and 66-68, it is to be noted that the supporting rings expand due to the inherent properties of metals, for example, when the outer sleeve and supporting rings are under a compression force as described in column 2, lines 34-35, the metal of the supporting rings and outer sleeve expand in a radial direction. Moreover, the expansion device/for-locking element is 57 in figure 4 of Steinbock

6. Claims 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Vees and Steinbeck as applied to claims 36, 39-48, 52, 53 and 56-65 above, and further in view of Gautier (4,770,078). The combination discloses everything as noted above, but does not disclose an embossing tool. However, Gautier teaches embossing tool 1. It would have been obvious to provide an embossing tool in the combination as taught by Gautier in order to increase the versatility of the apparatus.

Response to Arguments

7. Applicant's arguments with respect to claims 36, 39-53 and 56-70 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

IH

January 26, 2006



Allan N. Shoap
Supervisory Patent Examiner
Group 3700